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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 9 May 1997, at 3 p.m.

Chairperson: Mr. ALSTON

CONTENTS

CONSIDERATION OF REPORTS (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Peru (continued)

Review of the implementation of the International Covenant on Economic, Social and Cultural Rights: Central African Republic (continued)

* The summary record of the second part (closed) of the meeting appears as document E/C.12/1997/SR.17/Add.1.

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS (agenda item 7) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Peru (E/1990/5/Add.29; E/C.12/Q/PER.1; HRI/CORE/1/Add.43/Rev.1) (continued)

1. At the invitation of the Chairperson, Mr. Chavez (Peru) took a place at the Committee table.

Issues relating to the implementation of the Covenant (continued)

Article 12: Right to physical and mental health

2. Mr. CHAVEZ (Peru), referring to issue 24 in document E/C.12/Q/PER.1, cited statistics showing that public expenditure on health care had by 1995 once again risen to 1.09 per cent of the gross domestic product (GDP), thus regaining the spending level in effect prior to the cut-backs of the 1980s.

3. Regarding issue 25, he acknowledged that a government policy vacuum had contributed to the problem of unwanted pregnancies. Many women not wanting to bear a child had turned to abortion, despite that being a criminal offence. It was a very difficult practice to extirpate because abortions were usually performed in the mother's home, by unskilled women and in deplorable conditions. An estimated 15 per cent of all pregnancies ended in abortion. Under Peruvian law, except for voluntary abortions performed by a doctor in order to save the life of the mother or avoid serious permanent damage to her health, all abortions were crimes or other forms of offence.

4. In connection with issue 26, he explained that the maternal mortality rates cited in paragraph 405 of the report (E/1990/5/Add.29) referred exclusively to uneducated women, while paragraph 409 gave the overall maternal mortality rate, without distinction as to level of education, economic level or area of residence. Statistics relating to the HIV/AIDS situation and trends in Peru in recent years (issue 27) had been circulated to members of the Committee.

Articles 13 and 14: Right to education

5. Mr. CHAVEZ (Peru) noted that, in order to supplement the information given in the report on primary and secondary school enrolment in general, additional disaggregated statistics (issue 28) had been supplied to the Committee, showing the breakdown between State and private schools at the primary, secondary and university levels.

6. With regard to issue 29, the statement that there was no perceptible difference between boys and girls attending primary school (para. 428 of the report) was correct in the childhood context in which it had been made. Thus, there was no contradiction between that and the fact that illiteracy was primarily a woman's problem; which assertion (para. 429 of the report) had

instead been made in the different context of illiteracy among women, including older women who had never had the opportunity of attending school, and had been based on 1995 statistics.

7. The State had developed a standard, effective approach to the teaching of reading and writing to monolingual indigenous groups (issue 30): in a first stage, they were taught to read and write exclusively in their own language, and some courses in Spanish were introduced only at a second stage, but even then accompanied by materials in the indigenous languages.

8. Regarding the place of human rights instruction in the Peruvian educational system (issue 31), it should be noted that article 13 of the Constitution called for education in ethical and civic values and instruction in human rights was provided at all levels of both public and military education. A considerable amount of legislation in that area had been introduced. In 1995, the National Council for Human Rights and the Catholic University of Peru had undertaken a joint programme to train human rights educators, and 50 such teachers had now been trained. As they went on to train others, there would be a progressively widening impact.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and protection of copyright

9. Mr. CHAVEZ (Peru) referring to the question of State protection of indigenous cultural traditions (issue 32), said that in 1996 a multisectoral working group had been set up to draft a law on the matter.

10. Mr. GRISSA observed that the extremely high maternal mortality rate in Peru could probably be explained in large part by the number of illegal abortions carried out there. Many countries had overcome that problem by legalizing abortion, so that women determined to resort to it would not turn to unqualified practitioners.

11. He was still puzzled by the educational statistics indicating that only 60 per cent of Peruvian children of school age attended school, which was a deplorable situation. He would have liked data disaggregated by rural or urban sector, by income group, and by ethnic and racial group - where there did not seem to be equality of treatment in Peru.

12. Mr. RIEDL supported Mr. Grissa's comments concerning education and added that, since illiteracy appeared to be highest among the 75 per cent of the population living in rural areas, remedial efforts should focus primarily on the indigenous population. The report had been frank in acknowledging the severity of the problem, but the written reply concerning issue 30 gave no practical details about literacy programmes geared to indigenous people or any other plans to improve their education.

13. Mrs. JIMENEZ BUTRAGUEÑO believed the Government should take a more flexible approach to voluntary abortions, for both ethical and health reasons.

14. Mrs. BONOAN-DANDAN said that the report had dealt too theoretically with article 12. She would welcome a more specific discussion of maternal and infant mortality rates and an indication of the effectiveness of any government action. Childbirth-related deaths, over and above those caused by abortion, were reportedly very high in Peru.

15. It was also a matter of concern that half of Peru's teachers lacked a proper diploma. Sixty-two per cent of State funding for education reportedly went to pay the salaries of administrators and it was therefore not surprising that teachers were unqualified.

16. Mr. TEXIER asked whether any progress had been made in controlling the high incidence of cholera in Peru, and whether health and living conditions in the country's prisons, which were notoriously bad, had improved. He also wondered whether the detailed National Plan of Action for Children (para. 449 of the report) had had any success in remedying the critical educational shortcomings outlined in paragraph 438. If the situation had not improved, was a second plan of action scheduled?

17. Mrs. JIMENEZ BUTRAGUEÑO requested information on the Government's efforts to combat tuberculosis in the country.

18. Mr. THAPALIA asked if the Government intended to give instruction in human rights to members of the armed forces and the police. He would also like to know what percentage of Peru's budget was allocated to education, what had been done to give greater priority to educating the indigenous people, and what the figures were for the number of illiterates, by rural/urban area, age and sex.

19. Mr. WIMER asked for clarification of article 115 of the Peruvian Constitution, which called for the same punishment of 1 to 4 years' imprisonment for both voluntary abortions and abortions without consent.

20. Mr. CHAVEZ (Peru) said that many developed societies were engaged in the same difficult debate on the question of legalization of abortion and governments generally echoed the view of their country's society. The Peruvian Government was seeking to overcome the problem by providing education in other methods of birth control. It was worth noting that the birth rate in Peru had fallen from six children per woman to the more acceptable rate of two. The Government's family planning campaigns were shifting the emphasis from the woman's right to decide to an effort to change the mentality of men and increase their participation in family planning. Regarding education, the Government's literacy campaign geared specifically to indigenous groups aimed at a total coverage of 350,000 persons, and 240,000 were currently being taught.

21. Mr. GRISSA said that instead of allowing children to grow up illiterate and then trying to recuperate them, the Government would do better to give them a proper education at the outset. Street children, for instance, must be found and educated; and indigenous children should probably be educated in Spanish from the start to enable them to survive in a society where that was the dominant language. Literacy programmes had a universally low success rate.

22. Mr. WIMER observed that the modern approach, in Latin American countries generally, to the education of indigenous people was to teach them first in their own language so that they could function within their own community, and then to move on to the gradual introduction of Spanish.

23. Mr. CHAVEZ (Peru) referring to Mr. Wimer's statement, said that Peru had adopted a similar approach with respect to educational provision for its indigenous peoples. With regard to other minorities, which had come to the country as immigrants, while it was true that there still remained some prejudice against them, those groups were generally well integrated in Peruvian society. It was socio-economic factors, rather than ethnic origin, that determined a child's access to education. While State schooling was free, children from the poorest families often had to work, which prevented their regular attendance at school. Also, as Mr. Texier had noted, there had been a sharp decline in spending on education, but the Government was taking a number of measures to improve that situation. An ambitious building programme had begun, and in 1995-1996 two new schools had been opened every day. The next step would be the provision of assistance to needy families to ensure that their children went to school adequately clothed and nourished. Then, teacher training would be improved and teachers' salaries raised. The process was just beginning, however, and much remained to be done.

24. In reply to Mrs. Jimenez Butragueño, he said that the purpose of the laws prohibiting abortion was to punish abortionists, rather than the women who sought or underwent the procedure. He had no statistics indicating the number of persons imprisoned for carrying out abortions.

25. Responding to Mr. Texier's question concerning State spending in the health sector, he said that the Government was attempting to reverse the negative trend of the 1980s. In 1995, such spending had reached 1.09 per cent of GDP.

26. As to the conditions in prisons, there had been a general improvement, with greater resources being spent on inmates' diet and health care and new, modern facilities being built. The Government recognized, however, that the real answer lay in reducing the prison population and it was reforming the criminal justice system to that end.

27. The CHAIRPERSON proposed that, in view of the short time remaining, the Peruvian delegation should be invited to submit answers to the remaining questions in writing, together with the statistical tables it had undertaken to provide.

28. It was so decided.

29. Mr. CHAVEZ (Peru) offered his delegation's full cooperation and thanked the Committee for its interest in the situation in Peru.

30. The CHAIRPERSON said that the Committee had thus completed the first part of the consideration of the initial report of Peru.

31. Mr. Chavez (Peru) withdrew.

Review of the implementation of the International Covenant on Economic, Social and Cultural Rights: Central African Republic (E/C.12/1/Add.11) (continued)

32. At the invitation of the Chairperson, Mr. Laurent Gomina-Pampali and Mr. Basile Diba (Central African Republic) took places at the Committee table.

33. The CHAIRPERSON recalled that the Central African Republic had not submitted a report since ratifying the Covenant in 1981. The Committee had therefore decided to consider the state of implementation of the Covenant in that country without reference to a report. Draft concluding observations had been prepared and were contained in document E/C.12/1/Add.11. It was always preferable, however, to engage in a direct dialogue with States Parties, and he therefore welcomed the presence of Mr. Gomina-Pampali Minister for Human Rights, the Promotion of a Democratic Culture and National Reconciliation of the Central African Republic, and his adviser, Mr. Diba. He understood that the Government of the Central African Republic had now undertaken to submit a report.

34. Mr. GOMINA-PAMPALI (Central African Republic) said that the situation of human rights in the Central African Republic must be seen in the context of the grave economic and social problems of the past decade. The mutiny by elements of the country's armed forces in November 1996 had caused heavy loss of life and severe infrastructural damage. For his fellow countrymen, the threat of civil war had been constant. Peace and stability were prerequisites for the promotion and protection of human rights. Therefore, the installation on 18 February 1997 of a new Government comprising representatives of the presidential majority, the opposition parties and civil society, following negotiations held within the framework of the Ouagadougou Franco-African Summit of December 1996, was a cause for hope, and the country was slowly returning to normality.

35. Among the Government's first priorities were the promotion of national reconciliation, the creation of a democratic culture and the defence of human rights. His Ministry had been established to achieve those goals and was the first of its kind in the history of the Central African Republic. It would seek to build upon the efforts of the National Human Rights Commission created in 1991 to advise the Government on measures to enhance the protection of human rights and to raise awareness among citizens of those rights through workshops and seminars. His Ministry's work was hampered by a lack of material and financial resources. The situation in the Central African Republic reflected that in the African continent as a whole, where underdevelopment was by far the greatest obstacle to the promotion of human rights. He therefore appealed to the Committee to render his Ministry every possible assistance. His Government, for its part, would take careful note of the Committee's recommendations, which would enable it to pursue more effectively the implementation of the Covenant, despite the enormous difficulties it faced.

36. The CHAIRPERSON said that he welcomed the readiness of the Government of the Central African Republic to cooperate with the Committee. Whatever the situation obtaining in the country, the process of drafting the report would be valuable in itself since it would focus the attention of the authorities and of society as a whole upon human rights issues. He appreciated the scale

of the problems facing the Government of the Central African Republic and urged it to seek the expert assistance of the Centre for Human Rights, which would greatly facilitate the preparation of the country's report. He trusted that the Secretariat would advise the delegation on the procedures for requesting such assistance.

37. Mr. TEXIER, Mr. RIEDEL, Mr. ANTANOVICH, Mr. AHMED, Mrs. JIMENEZ BUTRAGUEÑO and Mr. GRISSA welcomed the Central African Republic delegation and expressed the Committee's support for the Government's commitment to the promotion and respect for human rights, as evidenced by the establishment of a ministry for human rights and the promotion of democracy. The involvement of civil society and attention to the needs of vulnerable groups were crucial ingredients in achieving the desired social objectives. They urged the delegation to bear in mind that when the Government presented its initial report, it was not enough to state that the country was in chaos, rather, there should be specific reference to the measures taken to rectify the situation. Even in difficult situations, it was still possible to begin the process of data collection, which would also serve as useful historical documentation.

38. The CHAIRPERSON said that it was clear that the Committee was prepared to suspend consideration of the implementation of the Covenant in the Central African Republic, pending the submission of a country report. He took it that the delegation would take the steps necessary for the preparation of the report and request technical assistance, as needed, from the Centre for Human Rights.

39. Mr. GOMINA-PAMPALI (Central African Republic) expressed his deep appreciation for the warm welcome and support extended by the Committee. He said that his delegation had come before the Committee with a feeling of hope which was strengthened by the encouragement it had received. In spite of his country's precarious situation, his Government was committed to the protection of economic, social and cultural rights. It would endeavour to take full advantage of the advice, assistance and precise guidelines offered by the Committee and the Centre for Human Rights. The initial report would of necessity be detailed and multisectoral and, with that objective in mind, his Ministry had already entered into cooperation with several other government bodies.

40. The CHAIRPERSON thanked the delegation for attending the meeting and said that the Committee looked forward to the presentation of the Government's report.

41. The delegation of the Central African Republic withdrew.

The public part of the meeting rose at 4.45 p.m.